

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

NCMIC INSURANCE COMPANY,  
Plaintiff,

vs.

BRADLEY HAYASHI, HANOVER PARK  
PHYSICAL MEDICINE & REHABILITATION,  
LTD., and MELINA KELLEY,  
Defendants.

Court No.: 08 C 885

HONORABLE JUDGE CONLON  
MAGISTRATE JUDGE COX

**REQUESTS TO ADMIT DIRECTED TO BRADLEY HAYASHI**

Defendant, BRADLEY HAYASHI, and for its answers to plaintiff's Requests to Admit, pursuant to Rule 36 of the Federal Rules of Civil Procedure, answers as follows:

1. Plaintiff NCMIC is an Iowa Corporation, with its principal place of business in the State of Illinois. NCMIC is an insurance company.

**ANSWER:** Admit.

2. Defendant, Bradley Hayashi (hereinafter "Hayashi") is an Illinois resident.

**ANSWER:** Admit.

3. Hayashi is a chiropractor.

**ANSWER:** Admit.

4. Defendant, Hanover Park Physical Medicine & Rehabilitation, Ltd., is an Illinois limited liability company with its principal place of business in Illinois.

**ANSWER:** Admit.

5. Hayashi provided physical therapy and chiropractic services at Hanover Park Physical Medicine & Rehabilitation.

**ANSWER:** Admit.

6. Defendant, Melina Kelley (hereinafter "Kelley"), resides in Illinois.

**ANSWER:** This defendant has insufficient knowledge to either admit or deny Paragraph 6, and therefore, no answer is made.

7. Kelley was a patient of Hayashi beginning in 2004 and ending on or about October 16, 2006.

**ANSWER:** Admit.

8. On October 16, 2006, Kelley had an appointment to see Hayashi for chiropractic services.

**ANSWER:** Admit.

9. On October 16, 2006, Kelley came to Hanover Park Physical Medicine and Rehabilitation, Ltd. to see Hayashi for chiropractic treatment, physical therapy or massage therapy.

**ANSWER:** Admit.

10. On October 16, 2006, Hayashi did not provide Kelley with chiropractic treatment, physical therapy or massage therapy.

**ANSWER:** Deny.

11. On October 16, 2006, Hayashi sexually assaulted Kelley by touching her breasts, labia, vagina and clitoris without her consent.

**ANSWER:** Deny.

12. On October 16, 2006, Hayashi touched Kelley's breasts.

**ANSWER:** Deny.

13. On October 16, 2006, Hayashi touched Kelley's breasts without her consent.

**ANSWER:** Deny.

14. On October 16, 2006, Hayashi touched Kelley's labia.

**ANSWER:** Deny.

15. On October 16, 2006, Hayashi touched Kelley's labia without her consent.

**ANSWER:** Deny.

16. On October 16, 2006, Hayashi touched Kelley's vagina.

**ANSWER:** Deny.

17. On October 16, 2006, Hayashi touched Kelley's vagina without her consent.

**ANSWER:** Deny.

18. On October 16, 2006, Hayashi touched Kelley's clitoris.

**ANSWER:** Deny.

19. On October 16, 2006, Hayashi touched Kelley's clitoris without her consent.

**ANSWER:** Deny.

20. October 16, 2006 was the last time Kelley came to see Hayashi as a patient.

**ANSWER:** Admit.

21. The Hanover Police Department and Cook County State's Attorney's office conducted an investigation into the alleged sexual assault by Hayashi against Kelley.

**ANSWER:** Admit.

22. On October 25, 2006, a criminal complaint was filed with the Circuit Court of Cook County, Illinois against Hayashi, case number 06-3007145.

**ANSWER:** Admit.

23. The Criminal Complaint alleges that Hayashi committed the offense of battery in that he "knowingly and without legal justification made physical contact of and insulting nature with Melina Kelley in that he fondled Melina Kelley's breasts and vagina during a chiropractic visit in violation of 720 ILCS 5/12-3(a)2."

**ANSWER:** Admit.

24. A true and accurate copy of the criminal complaint filed against Hayashi is attached hereto as Exhibit A.

**ANSWER:** This defendant admits that an accurate copy of the Criminal Complaint filed against Dr. Hayashi is attached as referenced.

25. Hayashi was arrested for the crime of battery arising from his alleged treatment and/or therapy provided to Kelley on or about October 16, 2006.

**ANSWER:** Admit.

26. Hayashi was charged with the crime of battery arising from the treatment and/or therapy provided to Kelley on or about October 16, 2006.

**ANSWER:** Admit.

27. In May of 2007, Hayashi stood trial for the crime of battery arising from the alleged treatment and/or therapy he provided to Kelley on October 16, 2006.

**ANSWER:** Admit.

28. In the criminal battery case, case number 06-3007145, Hayashi waived his right to a jury verdict.

**ANSWER:** Admit.

29. On May 21, 2007, Hayashi was found guilty of the crime of battery in violation of 720 ILCS 5/2-3(a)2.

**ANSWER:** Admit.

30. On May 21, 2007, Hayashi was found guilty of the crime of battery in violation of 720 ILCS 5/2-3(a)2 arising from the alleged treatment and/or therapy provided to Kelley on October 16, 2006.

**ANSWER:** Admit.

31. Attached here as Exhibit B is a true and accurate copy of the Circuit Court Complaint Kelley filed against Hayashi and Hanover Park Physical Medicine & Rehabilitation, Ltd, in the Circuit Court of Cook County, Illinois, Court Number 2007 L 13856 (hereinafter "Underlying Complaint.") .

**ANSWER:** This defendant admits the attachment of the Circuit Court Complaint filed against Dr. Hayashi as referenced in Paragraph 31.

32. NCMIC issued a policy of professional liability insurance to Hayashi, policy number MP00906897, with effective dates of June 24, 2006 to June 24, 2007 (hereinafter "the Policy), a copy of which is attached hereto as Exhibit C.

**ANSWER:** Admit.

Respectfully submitted,

CUNNINGHAM, MEYER & VEDRINE, P.C.



One of the Attorneys for Defendant  
*BRADLEY HAYASHI*

Michael R. Slovis  
Daniel J. Hronek  
CUNNINGHAM, MEYER & VEDRINE, P.C.  
111 W. Washington Street - Suite 937  
Chicago, Illinois 60602  
(312) 578-0049  
ARDC: 6210763

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**CERTIFICATE OF MAILING AND BY EMAIL AND FAX**

To: Richard M. Clark, [rc Clark@mckenna-law.com](mailto:rc Clark@mckenna-law.com)  
Kristin D. Tauras, [ktauras@mckenna-law.com](mailto:ktauras@mckenna-law.com)  
McKenna Storer  
33 North LaSalle Street, Suite 1400  
Chicago, IL 60602  
(312) 558-8348 - Fax

I, the undersigned, hereby certify that I have caused a copy of the attached, BRADLEY HAYASHI'S ANSWERS TO PLAINTIFF'S REQUESTS TO ADMIT (received on May 7, 2008), to be served upon the attorneys referenced above, at their respective addresses, with proper postage prepaid, and by depositing same in the U.S. Mail at 111 West Washington Street, Chicago, Illinois, before 5:00 p.m. and by e-mail and fax this 30<sup>th</sup> day of May, 2008.

/s/ Michael R. Slovis  
Michael R. Slovis

Michael R. Slovis  
Daniel J. Hronek  
CUNNINGHAM, MEYER & VEDRINE, P.C.  
111 W. Washington Street - Suite 937  
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